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Attorneys for Defendants

CARLTON HELM, CHRISTINA HALL, KELLY PAUOLE, JAMIE WINFREY,  
 HAROLD MANAOIS, KAENA BROWN AND COUNTY OF MAUI

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BARBARA KALANIKIEKIE KAAPUNI;	)	CIVIL NO. CV 04-00449 SOM LEK
JON HANS KAAPUNI, SR., PAMELA	)	(Non-Motor Vehicle Tort)
NOHOLANI KAAPUNI, JON HANS	)	
KAAPUNI, JR., FALLON	)	DEFENDANTS' SUPPLEMENTAL
KALANIKIEKIE KAAPUNI, and TYRAH	)	PROPOSED JURY INSTRUCTION;
NOHOLANI KAAPUNI by her best	)	CERTIFICATE OF SERVICE
friend JON HANS KAAPUNI, SR.,	)	
	)	Trial Date: June 14, 2006
Plaintiffs,	)	Time: 9:00 a.m.
	)	Judge: Hon. Susan Mollway
vs.	)	
	)	
CARLTON HELM, in his individual	)	
capacity; STAG SAGARIO, in his	)	
individual capacity, CHRISTINA	)	
WILLIAMS, in her individual	)	
capacity, KELLY ARLOS, in his	)	
individual capacity, JAMIE	)	
WINFREY, in her individual	)	
capacity, HAROLD MANAOIS, in his	)	
individual capacity, KEANA	)	
BROWN, in her individual	)	
capacity, and the COUNTY OF	)	
MAUI,	)	
Defendants.	)	
	)	
	)	

**DEFENDANTS' SUPPLEMENTAL PROPOSED JURY INSTRUCTION**

DEFENDANTS' PROPOSED JURY INSTRUCTION 4

A reasonable time for a police officer to wait after announcing himself or herself and demanding entry is 15 to 20 seconds before breaking the door.

Plaintiffs are required to prove by a preponderance of the evidence that an officer failed to wait 15 to 20 seconds before breaking the door. If Plaintiffs have failed to meet this burden, you must find in favor of all Defendants.<sup>1</sup>

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<sup>1</sup>U.S. v. Banks, 540 U.S. 31, 124 S.Ct. 521 (2003).

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KALANIKIEKIE KAAPUNI, and TYRAH )	
NOHOLANI KAAPUNI by her best )	
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Plaintiffs, )	)
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CARLTON HELM, in his individual )	
capacity; STAG SAGARIO, in his )	
individual capacity, CHRISTINA )	
WILLIAMS, in her individual )	
capacity, KELLY ARLOS, in his )	
individual capacity, JAMIE )	
WINFREY, in her individual )	
capacity, HAROLD MANAOIS, in his )	
individual capacity, KEANA )	
BROWN, in her individual )	
capacity, and the COUNTY OF )	
MAUI, )	
Defendants. )	)

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing document was duly served on June 8, 2006, upon the following parties:

	<u>Fax/Email</u>	<u>U.S. Mail</u>
Arthur E. Ross, Esq. 126 Queen Street, Suite 210 Honolulu, Hawaii 96813	XX	
Rory Soares Toomey, Esq. 1088 Bishop Street, Suite 1004 Honolulu, Hawaii 96813 (Attorneys for Plaintiffs)		XX

DATED: Wailuku, Maui, Hawaii, June 8, 2006.

BRIAN T. MOTO  
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KELLY PAUOLE, JAMIE WINFREY,  
HAROLD MANAOIS, KAENA BROWN AND  
COUNTY OF MAUI

By s/ Moana M. Lutey  
MOANA M. LUTEY  
Deputy Corporation Counsel